

Part 2

Junkyard Control Act

72-7-201 Purpose.

The regulation of junkyards in areas adjacent to any state highway included in the national system of interstate and primary highways is a statewide public purpose and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering on the highways.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-202 Definitions.

As used in this part:

- (1) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- (2) "Junk" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old or scrap ferrous or nonferrous material.
- (3) "Junkyard" means any place, establishment, or business maintained, used, or operated for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. Junkyard includes a salvage yard, war surplus yard, garbage dump, recycling facility, garbage processing facility, and sanitary land fill.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-203 License required.

- (1) A person may not establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, without obtaining a license from the department under this part.
- (2) A municipality may adopt ordinances, not in conflict with this part, to regulate the creation or maintenance of junkyards of any type within 660 feet of the right-of-way of designated state and federal highways within the jurisdictional limits of the adopting municipality.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules, not in conflict with this part, to regulate the creation and maintenance of junkyards within 660 feet of the right-of-way of designated federal and state highways outside the jurisdictional limits of a municipality.

Amended by Chapter 382, 2008 General Session

72-7-204 Issuance of licenses -- Fees -- Duration -- Renewal -- Disposition of proceeds.

- (1) The department has the sole authority to issue licenses for the establishment, maintenance, and operation of junkyards within the limits defined in Section 72-7-203, and shall charge a \$10 license fee payable annually in advance.
- (2) All licenses issued under this section expire on the first day of January following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee.

- (3) Proceeds from the license fee shall be deposited with the state treasurer and credited to the Transportation Fund.

Amended by Chapter 21, 1999 General Session

72-7-205 Conditions for licensing of junkyard within 1,000 feet of highway.

- (1) The department may not grant a license for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems unless the junkyard is:
 - (a) screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main-traveled-way of the system; and
 - (b)
 - (i) located within areas that are zoned for industrial use under county or municipal ordinances; or
 - (ii) located within unzoned industrial areas, determined by actual land uses as defined by rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A junkyard controlled by this part may not be expanded or have its use extended except by permission of the department under rules made by the department.

Amended by Chapter 382, 2008 General Session

72-7-206 Screening of existing junkyards.

- (1) The department shall screen any junkyard lawfully in existence on May 9, 1967, which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled-way of any highway on the interstate or primary system.
- (2) The screening shall be at locations on the right-of-way or in areas outside the right-of-way acquired for that purpose and may not be visible from the main-traveled-way of the interstate or federal-aid primary systems.
- (3) The department may not install junkyard screening under this section unless:
 - (a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and
 - (b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures Act.

Amended by Chapter 382, 2008 General Session

72-7-207 Junkyards not adaptable to screening -- Authority of department to acquire land -- Compensation.

- (1) If the department determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of junkyards or that screening would not be economically feasible, the department may acquire by gift, purchase, exchange, or eminent domain the interests in lands necessary to secure the relocation, removal, or disposal of the junkyards.
- (2) If the department determines that it is in the best interests of the state, it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.
- (3) The acquisitions provided for in this section may not be undertaken unless:

- (a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and
- (b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures Act.
- (4) Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- (5) Just compensation shall be paid the owner for the relocation, removal, or disposal of a junkyard lawfully established under the laws of this state and which must be relocated, removed, or disposed of under this part.

Amended by Chapter 382, 2008 General Session

72-7-208 Junkyard operated in violation of provisions is public nuisance -- Abatement -- Adjudicative proceedings -- Judicial review -- Costs of abatement.

- (1) The establishment, operation, or maintenance of any junkyard contrary to the provisions of this part is a public nuisance.
- (2) The department shall:
 - (a) enforce the provisions of this part and administrative rules the department makes under this part; and
 - (b) except as provided in Subsection (3) and in its enforcement of the provisions of this part, comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (3)
 - (a) The district court has jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.
 - (b) Venue for judicial review of final orders of the department is in the county in which the junkyard is located.
- (4) If the department is granted a judgment, the department is entitled to take action necessary to cause the nuisance to be abated and is entitled to recover from the responsible person, firm, or corporation, jointly and severally:
 - (a) the costs and expenses incurred in abating the nuisance; and
 - (b) \$10 for each day the junkyard was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201.

Amended by Chapter 140, 2008 General Session

72-7-209 Enforcement authority -- Agreements with United States.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules:
 - (a) governing the materials that may be used for screening and the location, construction, and maintenance of screening for junkyards; and
 - (b) implementing and enforcing this part.
- (2) The department may:
 - (a) enter into agreements with the secretary pursuant to Title 23, United States Code as amended, relating to the control of junkyards in areas adjacent to the interstate and primary systems; and
 - (b) take action in the name of the state to comply with the terms of the agreements.

Amended by Chapter 382, 2008 General Session

72-7-210 Present ordinances or regulations may be stricter.

Nothing in this part affects the provisions of any lawful ordinance or regulation which is more restrictive than the provisions of this part.

Renumbered and Amended by Chapter 270, 1998 General Session